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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

)
)
Performance Measurements and)
Reporting Requirements)
for Operations Support Systems,)
Interconnection, and Operator Services)
and Directory Assistance)

CC Docket No. 98-56
RM-9101

REPLY COMMENTS OF
ALLEGIANCE TELECOM, INC.

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Introduction

Allegiance Telecom, Inc. ("Allegiance") hereby files its Reply Comments, pursuant to the Notice of Proposed Rulemaking ("Notice") issued in the above-captioned docket, on the model performance measurements and reporting requirements proposed by the Federal Communications Commission ("Commission") for operations support systems ("OSS"), interconnection, and operator services and directory assistance.

In these replies, Allegiance reiterates its general support for the Commission's proposed model rules with the modifications recommended in Allegiance's initial Comments. Allegiance also rebuts allegations made by the incumbent local exchange carriers ("ILECs") regarding the purported burdens associated with the proposed rules.

I. ALLEGIANCE'S PROPOSAL ADDRESSES POTENTIAL JURISDICTIONAL CONFLICTS

In its initial comments, Allegiance proposed that the Commission adopt federal rules regarding performance measurements and reports for operations support systems ("OSS"), interconnection, and operator services and directory assistance (hereinafter referred to as "performance measurements and reporting requirements"). As Allegiance and other parties argued,¹ the Commission has jurisdiction under the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("Act"), to adopt legally binding performance measurements and reporting requirements. However, realizing that some state commissions do not agree that the Commission has such jurisdiction, Allegiance proposed a compromise measure: the

¹ See e.g., Association for Local Telecommunications Services ("ALTS") at 2, AT&T at 8-13, CompTel at 10-13, GST at 2-5, LCI at 7-8, MCI at 21.

Commission rules would apply only where state rules do not exist or where state rules fail to comply with the Act.

Under Allegiance's proposal, state commissions that wish to exercise jurisdiction and adopt performance measurements and reporting requirements could do so. Consistent with Section 251(d)(3) of the Act, state commissions' rules could be applied instead of the Commission rules so long as the state rules were not inconsistent with, and did not substantially prevent, implementation of Sections 251 through 261 of the Act. Such an approach would address concerns regarding federal-state comity and would encourage state commissions to take action where they might otherwise not adopt performance measurements and reporting requirements independently. As LCI notes, to its knowledge only one state, Georgia, has adopted final OSS performance measurements and reporting requirements. LCI at 6. Allegiance also agrees with Sprint that even if states choose to adopt the Commission's model rules, the time needed to approve the rules would cause a substantial delay in actual implementation of the performance measurements and reports. Sprint at 3. Thus there is clearly a need to encourage state commission action in this area and to create a default set of rules to apply where no state rules currently exist.

II. NUMEROUS PARTIES SUPPORTED MANY OF ALLEGIANCE'S RECOMMENDED CHANGES TO THE PROPOSED PERFORMANCE MEASUREMENTS AND RULES

Like Allegiance, many parties generally supported the Commission's proposed performance measurements and reporting requirements but suggested improvements to the

proposals. The recommended changes will ensure that the measurements and reports provide competitive local exchange carriers ("CLECs") and regulators with information necessary to detect, prevent and remedy potential instances of discriminatory conduct. Contrary to ILEC arguments, the Commission's proposals, together with improvements suggested by CLECs, will not unnecessarily burden ILECs. To the contrary, as GST notes, the proposals are generous toward ILECs given that ILECs failed to meet the Commission's January 1, 1997 deadline for providing nondiscriminatory, electronic access to the ILEC's OSS. GST at 7. Allegiance also concurs with ALTS' comments that the proposed requirements do not burden ILECs because the quantitative measurements are precisely the type of measurements the ILECs will need to track and monitor in order to survive in a competitive environment. *See* ALTS at 3-4. Finally, it is noteworthy that the New York State Department of Public Service ("NYDPS") finds the Commission's proposals to be generally consistent with the NYDPS interim guidelines which were developed in a consensus process involving Bell Atlantic-New York and numerous CLECs. NYDPS at 1.

Contrary to most ILECs, GTE and Sprint generally support the Commission's proposals and believe that the Commission struck a fair balance between the production of information that is needed by CLECs and regulators versus any potential burden ILECs would bear collecting and producing the information. GTE at 8, Sprint at 5-6. GTE and Sprint do not try to scare the Commission with meaningless figures such as the total number of individual measurements the proposed reports would require or the total number of pages the reports might comprise. Where

the information is already collected and stored electronically, the burden of running an additional report should be minimal. Furthermore, as shown by BellSouth's comments, ILEC burdens can be reduced thanks to the information age which permits ILECs to post such information on the Internet, including password-protected, CLEC-specific, confidential information. BellSouth at 32.

The proposed performance measurements and reporting requirements, as amended by the changes set forth in Allegiance's Comments, are reasonable and the benefits of the proposed requirements outweigh any burden alleged by ILECs. Allegiance reiterates below its recommended changes and urges the Commission once again to adopt its proposed performance measurements and reporting requirements as legally binding rules.

A. Statistical tests should be used in combination with performance benchmarks or standards to detect instances of discrimination.

As Allegiance and numerous parties argued in initial comments, statistical tests will greatly facilitate CLECs' and regulators' ability to determine whether ILECs are engaged in discriminatory practices. Although Allegiance does not concede that, as some ILECs allege, the Commission has received only anecdotal evidence of discrimination to date, the proposed performance measurements and reports when combined with statistical tests will provide CLECs and regulators with hard cold facts regarding ILECs' compliance with their nondiscrimination duties. Statistical tests, used in combination with performance benchmarks, will greatly facilitate the detection, prevention, and remedy of ILEC discriminatory practices.

B. ILECs should make monthly performance reports.

Many CLECs supported Allegiance's proposal that performance reports be made on a monthly basis.² The fact that ILECs can and do measure and report performance on a monthly basis is evident from the initial comments filed in this docket. Exhibit A to Allegiance's initial Comments shows that Bell Atlantic collects the following data on a monthly basis: resale lines in service; unbundled loops in service; CLEC access lines (loops versus resale); response time for pre-ordering activities; UNE ordering; resale missed appointments; UNE provisioning; UNE mean time to repair; and billing detail usage feed delivery. Furthermore, both BellSouth and SBC admitted that they currently provide monthly reports to CLECs. BellSouth at 32, SBC at 23.

C. Reports for the customer categories of all retail customers and CLECs in the aggregate should be made publicly available.

Many parties supported making publicly available the reports for all retail customers and CLECs in the aggregate. The institution of a central clearinghouse for such reports does not have to be complicated or costly. For instance, the Commission could require that copies of such reports be submitted electronically to a Commission-managed or contractor-managed web site. Obviously, if provided in a standard form, the reports could be collected and presented with only minor adjustments.

² See e.g., AT&T at 60, GST at 8-10, LCI at 10, Sprint at 12, WorldCom at 20.

- D. Regulators should retain the right to audit ILEC reports and examine the underlying raw data; CLECs should be given the same rights, subject to reasonable restrictions.**

The Texas Public Utility Commission aptly notes that a CLEC's ability to audit the ILECs' performance reports is of "fundamental importance." Texas PUC at 8. The Commission can and should develop rules outlining audit rights and reasonable audit procedures for CLECs.

- E. ILECs should be required to report separately the denials of collocation requests where such denials are based on space considerations.**

Like Allegiance, other parties expressed concern that the proposed collocation measurements would not be sufficient to detect instances of discrimination. *See e.g.*, GST at 14, MCI at 14, Network Access Solutions at 5. MCI noted that it too has been denied collocation on the basis of space exhaustion where the ILEC has failed to meet its burden under 251(c)(6). MCI at 14. As ILECs upgrade their systems to provide advanced services such as xDSL, space considerations will increasingly impact the fulfillment of collocation requests. For this reason, Allegiance proposed that ILECs be required to report separately the denials of collocation requests where such denials are based on space considerations. Allegiance continues to believe that this is a reasonable requirement and urges the Commission to adopt it.

- F. ILECs should be required to break down reports on the ordering and provisioning of unbundled loops into at least four loop categories.**

Disaggregating measurements and reports for separate loop categories is both technically feasible and necessary. SBC has agreed to disaggregate its loop reporting requirements into the

following three categories: 2 wire analog; BRI ISDN; and PRI ISDN. SBC at 6. Allegiance proposed slightly different loop categories of 2 wire copper loops, 2 wire mixed loops, ISDN loops and xDSL compatible loops. Numerous other parties proposed their own version of disaggregated loop categories (GST proposed basic and advanced loop categories at 11; ALTS proposed a separate category for UNE data loops at 10; WorldCom proposed some measure of disaggregation at 13; Network Access Solutions proposed a separate category for xDSL loops; and AT&T proposed 8db analog, 2 wire digital, 4 wire digital, ADSL and HDSL breakdowns at 26). While the initial comments did not produce a consensus on the precise categories for disaggregated loops, it is clear that some disaggregation is necessary in order to prevent, detect and correct ILEC discrimination in the provision of advanced loop types. Allegiance urges the Commission to adopt at least two, and preferably four, disaggregated loop type categories.

G. ILECs should be required to report separately ordering and provisioning data for tandem interconnection trunks and end office interconnection trunks to assist regulators and the industry monitor tandem exhaustion.

Although MCI, TCG and WorldCom all supported the Commission's tentative conclusion that trunk blockage should be measured separately for interconnection trunks, Allegiance is not aware of any other party that recommended separate reporting for the ordering and provisioning of tandem versus end office interconnection trunks. While trunk blockage measurements are an important indicator of the level of service provided over existing trunks, such measurements may mask the underlying problem – the unavailability of increased tandem trunking capacity. For this reason, Allegiance urges the Commission to adopt its proposed additional measurement.

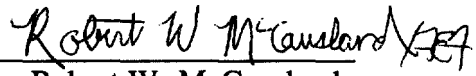
H. ILEC reports should be based on a geographic level no larger than the Metropolitan Statistical Area.

CLECs almost unanimously supported ILEC reports based on a geographic level no larger than the Metropolitan Statistical Area ("MSA"). At least one ILEC, SBC, admitted that it tracks some processes, such as provisioning, at the market area level. SBC at 3. In its initial Comments, Allegiance acknowledged that ILECs routinely create teams of implementers to deal with specific CLEC issues. Other parties noted that in some cases, the process being measured is supported by a team that covers a geographic area that is LATA-wide or state-wide. Allegiance agrees that in some of these cases, such as where one OS/DA center handles all traffic for a particular region (LATA-wide or state-wide), that larger region may be the appropriate geographical level for such measurements when combined trunk groups are used for the delivery of such traffic. However, the Commission should closely examine any claims that a particular measurements requires a geographical reporting level larger than the MSA to minimize the risk that such levels will enable the ILEC to mask discriminatory conduct.

Conclusion

Allegiance thanks and commends the Commission for taking steps to address performance measurements and reporting requirements. The Commission should adopt its proposals, together with the modifications recommended herein and in Allegiance's initial Comments, as legally binding rules that apply where state commissions have not developed their own rules or where state commission rules conflict with the Act.

Respectfully submitted,
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July 6, 1998

CERTIFICATE OF SERVICE

I, Robert McCausland, do hereby certify that the foregoing Reply Comments of Allegiance Telecom, Inc., were served on the following this 6th day of July, 1998, via hand delivery (*) or first-class U.S. mail, postage prepaid:

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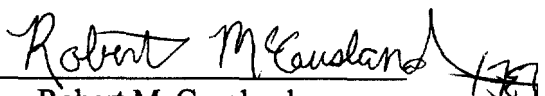
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